

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

HOPE HARPER, Individually and as Personal  
Representative of the Estate of LARRY HARPER,  
Deceased,

Plaintiff,

vs.

Civ. No. 96-1048 BB/WWD

THE CITY OF ALBUQUERQUE, ALBUQUERQUE  
POLICE DEPARTMENT, CHIEF OF POLICE JOE  
POLISAR, Individually in his official capacity and  
ED SAUER, Individually and in his official capacity,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon the Defendants' Motion to Compel, etc., (Docket #251) filed August 12, 1998. Defendant served a Request for Admissions on June 8, 1998 and a Request for admissions, Interrogatories, and Requests for Production of Documents on June 24, 1998. Expedited responses were not sought. Under the terms of the most recent discovery scheduling order, all such discovery was to be completed by July 1, 1998. No extension of this deadline was sought. The discovery which is sought to be compelled was served at a time when it could not be completed within the set deadline unless the responses were expedited or an extension was sought and granted. I find no circumstances which would warrant disregarding the applicable scheduling order.

**WHEREFORE,**

**IT IS ORDERED** that Defendants Motion to Compel (Docket #251) is **DENIED**.

  
UNITED STATES MAGISTRATE JUDGE